

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

(1) AIMEE GISSANDANER,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>CIV-21-819-G</u>
)	
(1) JAMES A. NELSON, individually,)	
(2) CRETE CARRIER CORPORATION,)	
A foreign for-profit)	
business corporation, and)	
(3) THE HARTFORD)	
INSURANCE COMPANY,)	
a foreign insurance company,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant Crete Carrier Corporation notifies the Court and all involved parties of removal of this action from the Oklahoma District Court of Oklahoma County to the United States District Court for the Western District of Oklahoma. Removal of this action is authorized by 28 U.S.C. §§ 1332, 1441, and 1446. In support of its Notice of Removal, Crete alleges and states the following:

1. The action styled *Aimee Gissandaner, Plaintiff, v. James A. Nelson, individually, Crete Carrier Corporation, a foreign for-profit business corporation, and The Hartford Insurance Company, Crete Carrier Corp., Defendants*. Case No. CJ-2021-3162, commenced on July 28, 2021 in Oklahoma County District Court.

On August 3, 2021, Gissandaner served Crete with process. According to Gissandaner's counsel, Nelson and The Hartford Insurance Company have not yet been served.

2. Notice of Removal was filed before the 30-day removal period was triggered under 28 U.S.C. § 1446(b).
3. 28 U.S.C. § 1446(b)(2)(a) requires unanimity of all defendants served when removing a case to federal court. Because Nelson and The Hartford Insurance Company have not been served, their consent to removal is not required. *See Moreno Energy, Inc. v. Marathon Oil Co.*, 884 F. Supp. 2d 577 (S.D. Tex. 2012) (discussing exceptions to the rule of unanimity).
4. 28 U.S.C. § 1332 authorizes the Court to exercise original jurisdiction over this case because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and the parties are citizens of different states.
5. Gissandaner's Petition states she seeks damages in excess of \$75,000.00.
6. Gissandaner is domiciled in Oklahoma.
7. Nelson is domiciled in Texas.
8. Crete is a Nebraska motor carrier incorporated in Nebraska with its principal place of business in Nebraska.

9. Based on information contained in Gissandaner's Petition, The Hartford Insurance Company¹ is a Wisconsin insurance corporation with its principal place of business in Connecticut.
10. Complete diversity of citizenship exists because Gissandaner is a citizen of Oklahoma and Defendants are citizens of Texas, Nebraska, Wisconsin, and Connecticut.
11. Because the Court has original jurisdiction, 28 U.S.C. § 1441(a) permits removal of this case to federal court.
12. Venue is appropriate in this Court because the District Court of Oklahoma County is located within this District.
13. Copies of all pleadings filed in the state court action are attached, as follows:
 - Ex. 1:** OSCN Docket Summary (Aug. 20, 2021).
 - Ex. 2:** Petition (July 28, 2021).
 - Ex. 3:** Entry of Appearance by Gregory Keogh (July 28, 2021).
14. In compliance with 28 U.S.C. § 1446(d), Crete will serve Gissandaner with written notification of this Notice of Removal and will file a copy with the Court Clerk of Oklahoma County, Oklahoma.

¹ Gissandaner alleges The Hartford Insurance Company was Crete's liability insurer at the time of the accident; however, this is not accurate. The Hartford Insurance Company is not a proper party to the litigation for many reasons that will be addressed in a motion to dismiss, including that Crete was not insured with this company at the time of the accident.

Because the Court has the authority to exercise original jurisdiction, Defendant Crete Carrier Corporation requests removal of this case to federal court.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Dan K. Jones", is written over a horizontal line.

Dan K. Jones, OBA # 16940

Mehry Taremi, OBA # 31726

Amy M. Taylor, OBA # 33284

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Attorneys for Defendant

Crete Carrier Corp.

CERTIFICATE OF SERVICE

I certify that on August 20, 2021 a true and correct copy of Defendant Crete Carrier Corporation's Notice of Removal was sent via

- ☒ Email
- ☐ ECF System
- ☐ Facsimile
- ☐ USPS, First Class
- ☐ USPS, Certified, Return Receipt Requested
- ☒ USPS, Certified, Return Receipt (Electronic)
- ☐ USPS, Certified, Restricted Delivery

to the following:

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